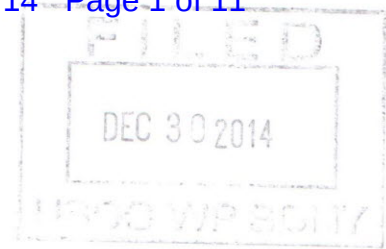


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
MALIBU MEDIA, LLC,

Plaintiff,

vs.

JOHN DOE subscriber assigned IP address
98.116.115.241,

Defendant.
-----X

Civil Action No. _____

**COMPLAINT – ACTION FOR
DAMAGES FOR PROPERTY
RIGHTS INFRINGEMENT**

14 CV 10185
BATE

Plaintiff, Malibu Media, LLC, sues Defendant John Doe subscriber assigned IP address
98.116.115.241, and alleges:

Introduction

1. This matter arises under the United States Copyright Act of 1976, as amended, 17
U.S.C. §§ 101 et seq. (the “Copyright Act”).

2. Defendant is a persistent online infringer of Plaintiff’s copyrights. Indeed,
Defendant’s IP address as set forth on Exhibit A was used to illegally distribute each of the
copyrighted movies set forth on Exhibit B.

3. Plaintiff is the registered owner of the copyrights set forth on Exhibit B (the
“Copyrights-in-Suit”).

Jurisdiction And Venue

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §
1331 (federal question); and 28 U.S.C. § 1338 (patents, copyrights, trademarks and unfair
competition).

5. Plaintiff used proven IP address geolocation technology which has consistently worked in similar cases to ensure that the Defendant's acts of copyright infringement occurred using an Internet Protocol address ("IP address") traced to a physical address located within this District, and therefore this Court has personal jurisdiction over the Defendant because (i) Defendant committed the tortious conduct alleged in this Complaint in this State, and (ii) Defendant resides in this State and/or (iii) Defendant has engaged in substantial and not isolated business activity in this State.

6. Based upon experience filing over 1,000 cases the geolocation technology used by Plaintiff has proven to be accurate to the District level in over 99% of the cases.

7. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c), because: (i) a substantial part of the events or omissions giving rise to the claims occurred in this District; and, (ii) the Defendant resides (and therefore can be found) in this District and resides in this State; additionally, venue is proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases) because Defendant or Defendant's agent resides or may be found in this District.

Parties

8. Plaintiff, Malibu Media, LLC, (d/b/a "X-Art.com") is a limited liability company organized and existing under the laws of the State of California and has its principal place of business located at 409 W. Olympic Blvd., Suite 501, Los Angeles, CA, 90015.

9. Plaintiff only knows Defendant by his, her or its IP Address. Defendant's IP address is set forth on Exhibit A.

10. Defendant's Internet Service Provider can identify the Defendant.

Factual Background

I. Defendant Used the BitTorrent File Distribution Network To Infringe Plaintiff's Copyrights

11. The BitTorrent file distribution network ("BitTorrent") is one of the most common peer-to-peer file sharing systems used for distributing large amounts of data, including, but not limited to, digital movie files.

12. BitTorrent's popularity stems from the ability of users to directly interact with each other in order to distribute a large file without creating a heavy load on any individual source computer and/or network. The methodology of BitTorrent allows users to interact directly with each other, thus avoiding the need for intermediary host websites which are subject to DMCA take down notices and potential regulatory enforcement actions.

13. In order to distribute a large file, the BitTorrent protocol breaks a file into many small pieces called bits. Users then exchange these small bits among each other instead of attempting to distribute a much larger digital file.

14. After the infringer receives all of the bits of a digital media file, the infringer's BitTorrent client software reassembles the bits so that the file may be opened and utilized.

15. Each bit of a BitTorrent file is assigned a unique cryptographic hash value.

16. The cryptographic hash value of the bit ("bit hash") acts as that bit's unique digital fingerprint. Every digital file has one single possible cryptographic hash value correlating to it. The BitTorrent protocol utilizes cryptographic hash values to ensure each bit is properly routed amongst BitTorrent users as they engage in file sharing.

17. The entirety of the digital media file also has a unique cryptographic hash value ("file hash"), which acts as a digital fingerprint identifying the digital media file (e.g. a movie). Once infringers complete downloading all bits which comprise a digital media file, the

BitTorrent software uses the file hash to determine that the file is complete and accurate.

18. Plaintiff's investigator, IPP International UG, established a direct TCP/IP connection with the Defendant's IP address as set forth on Exhibit A.

19. IPP International UG downloaded from Defendant one or more bits of each of the digital movie files identified by the file hashes on Exhibit A.

20. Defendant downloaded, copied, and distributed a complete copy of Plaintiff's movies without authorization as enumerated on Exhibit A.

21. Each of the cryptographic file hashes as set forth on Exhibit A correlates to a copyrighted movie owned by Plaintiff as identified on Exhibit B.

22. IPP International UG downloaded from Defendant one or more bits of each file hash listed on Exhibit A. IPP International UG further downloaded a full copy of each file hash from the BitTorrent file distribution network and confirmed through independent calculation that the file hash matched what is listed on Exhibit A. IPP International UG then verified that the digital media file correlating to each file hash listed on Exhibit A contained a copy of a movie which is identical (or alternatively, strikingly similar or substantially similar) to the movie associated with that file hash on Exhibit A. At no time did IPP International UG upload Plaintiff's copyrighted content to any other BitTorrent user.

23. IPP International UG connected, over a course of time, with Defendant's IP address for each hash value as listed on Exhibit A. The most recent TCP/IP connection between IPP and the Defendant's IP address for each file hash value listed on Exhibit A is included within the column labeled Hit Date UTC. UTC refers to Universal Time which is utilized for air traffic control as well as for computer forensic purposes.

24. An overview of the Copyrights-in-Suit, including each hit date, date of first

publication, registration date, and registration number issued by the United States Copyright Office is set forth on Exhibit B.

25. Plaintiff's evidence establishes that Defendant is a habitual and persistent BitTorrent user and copyright infringer.

Miscellaneous

26. All conditions precedent to bringing this action have occurred or been waived.

27. Plaintiff has retained counsel and is obligated to pay said counsel a reasonable fee for its services.

COUNT I
Direct Infringement Against Defendant

28. The allegations contained in paragraphs 1-27 are hereby re-alleged as if fully set forth herein.

29. Plaintiff is the owner of the Copyrights-in-Suit, as outlined in Exhibit B, each of which covers an original work of authorship.

30. By using BitTorrent, Defendant copied and distributed the constituent elements of each of the original works covered by the Copyrights-in-Suit.

31. Plaintiff did not authorize, permit or consent to Defendant's distribution of its works.

32. As a result of the foregoing, Defendant violated Plaintiff's exclusive right to:

(A) Reproduce the works in copies, in violation of 17 U.S.C. §§ 106(1) and 501;

(B) Redistribute copies of the works to the public by sale or other transfer of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and 501;

(C) Perform the copyrighted works, in violation of 17 U.S.C. §§ 106(4) and 501, by showing the works' images in any sequence and/or by making the sounds accompanying the

works audible and transmitting said performance of the works, by means of a device or process, to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definitions of "perform" and "publically" perform); and

(D) Display the copyrighted works, in violation of 17 U.S.C. §§ 106(5) and 501, by showing individual images of the works nonsequentially and transmitting said display of the works by means of a device or process to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definition of "publically" display).

33. Defendant's infringements were committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

WHEREFORE, Plaintiff respectfully requests that the Court:

(A) Permanently enjoin Defendant and all other persons who are in active concert or participation with Defendant from continuing to infringe Plaintiff's copyrighted works;

(B) Order that Defendant delete and permanently remove the digital media files relating to Plaintiff's works from each of the computers under Defendant's possession, custody or control;

(C) Order that Defendant delete and permanently remove the infringing copies of the works Defendant has on computers under Defendant's possession, custody or control;

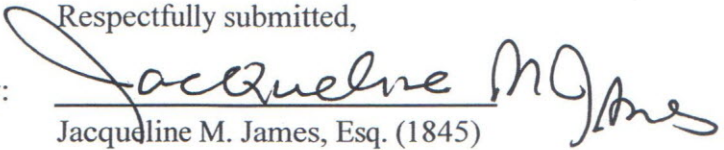
(D) Award Plaintiff statutory damages per infringed work pursuant to 17 U.S.C. § 504 (a) and (c);

(E) Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505; and

(F) Grant Plaintiff any other and further relief this Court deems just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted,
By: 
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Attorneys for Plaintiff

ISP: Verizon FiOS

Physical Location: New York, NY

Hit Date UTC	File Hash	Title
10/25/2014 02:05:31	07D4B047D2B035D39D9D57AB396C898ED448663C	Do Me Darling
10/17/2014 03:03:12	9F1BCB13265E3185001B40420DC655A8E1EF7A75	Double Oh Heaven
09/25/2014 11:28:53	5102F271D939B5531DA6CFAADDDE8F23DAE99D8F	Sparks
09/21/2014 22:56:15	2FEA13D7C3DFE66DE48B9FC3736630556409FD77	I Want You To Watch Me
09/20/2014 13:51:33	0C485A86BB4EB968F1BDCD9D362FF25C98C72879	Fun For Three
09/19/2014 05:27:02	11B5B13185A81F2494A67D1A109611A84AAB9D8B	All About Anna
09/19/2014 05:20:25	39F60446B3F7708FA2300324D47F5F561CA413FD	Risky Business
09/19/2014 00:02:25	B952E3FE673ECBBFDCE0939171AF6DAF98C57B66	Our Little Cum Cottage
08/25/2014 10:57:03	7A4995CAD71D31FF581945E35ABE694C7EDE32DC	Paint Me White
08/23/2014 11:44:37	294B4C6DD84D1EDDB7B75B1589D04B17FA39959D	Saturday Eve
08/18/2014 09:28:01	5F0D544A91100333638665A0AE3AD428D817F5E0	Elevated Erotica
08/15/2014 12:56:44	5612B6644244B6DA8CCB3EE46164EBE96C0220E0	Thunderstorm Love
08/09/2014 00:43:59	5B41CDDCE3334D93A12694242177F79B1063A2D1	Black On White
08/03/2014 18:57:26	874A2891B4C21EDF0EF1C4DFA7AB0FC082648EC5	Any And All For You
07/31/2014 23:28:39	0D34B864233D7E416179E35DE58C8454EFE2FE67	I Will See You In The Morning
07/31/2014 21:54:09	8D2C71BBCC526E214853EB335EDBBDE2AF85FCDF	In for the Night
07/31/2014 02:34:23	80FE0FD0F7CF52FE5469728A82E0B64AE26C8060	Tie Her Up For Me
07/28/2014 23:48:32	4AD2B662A96BE19DD71CEFB3D71C167B4F22BC70	Precious Metal
07/25/2014 13:30:15	D2CEFA42B12255477B18002859B65233E80C6FCE8	Be With Me
07/20/2014 17:08:36	4AECE88A5AEE13C22584C00837E6FDA49FBC08BB	Rock Me Baby
07/16/2014 01:15:21	61C6B894FC9D577FC3C630535621FF80874FF77A	Yours Forever
07/11/2014 21:01:30	2E4CB778FB23576CECBF4441DF5866DC1F1DCEE9	Summertime Lunch

EXHIBIT A

SNY57

Hit Date UTC	File Hash	Title
07/09/2014 00:47:37	02744D186E0956E552C9AD10D76F915C46AA2D0C	Chloe Loves Carl Part 2
07/01/2014 12:00:10	AC1FB83507AD965F693D2FB5D9945E1140B148F4	Give Me More Part 2
06/30/2014 09:46:15	0311FA5E194C8239735B0C22D062AF51DF9FABC9	Happy Couple
06/26/2014 22:28:48	2E6C1013BB4CCAEA05E359D66BB514B5C88DE14C	Come Close
06/20/2014 22:19:54	8D357CC8A76374C2534F5B6C92DFA6373DD18A48	Coming Late
06/16/2014 23:31:05	BBC053A635D9EA39AD145EC781735FE095D0009E	Sex With Glasses
06/16/2014 23:11:27	C84CEE035F21CF4AD3452F4ED6893F25FEDAB2CC	Go Down On Me
05/15/2014 20:57:17	2E10460C1E98544792A9A0E80A75216ED052C830	Slippery Sensations
05/14/2014 11:10:58	A2D59A22224EC8E2D1B9B58FF32A8559B1DF9A93	A Thought of You Part 2
05/12/2014 21:37:54	06AC7448218B6AC5F63B777630398DDCCD763FEC	Rope Priority
05/08/2014 04:06:30	0A05FD57476DB076D85453C9C23FEF5794899100	Perfect Timing

Total Statutory Claims Against Defendant: 33

EXHIBIT A

SNY57

Copyrights-In-Suit for IP Address 98.116.115.241

ISP: Verizon FiOS

Location: New York, NY

Title	Registration Number	Date of First Publication	Registration Date	Most Recent Hit UTC
Do Me Darling	PA0001921297	10/24/2014	11/06/2014	10/25/2014
Double Oh Heaven	PA0001918736	10/15/2014	10/22/2014	10/17/2014
Sparks	PA0001916039	09/24/2014	10/06/2014	09/25/2014
I Want You To Watch Me	PA0001892179	04/23/2014	04/29/2014	09/21/2014
Fun For Three	PA0001914731	09/19/2014	09/22/2014	09/20/2014
All About Anna	PA0001886195	03/25/2014	04/02/2014	09/19/2014
Risky Business	PA0001878455	02/01/2014	02/18/2014	09/19/2014
Our Little Cum Cottage	PA0001914537	09/05/2014	09/17/2014	09/19/2014
Paint Me White	PA0001909785	08/24/2014	08/26/2014	08/25/2014
Saturday Eve	PA0001909511	08/18/2014	08/26/2014	08/23/2014
Elevated Erotica	PA0001909513	08/17/2014	08/26/2014	08/18/2014
Thunderstorm Love	PA0001909507	08/13/2014	08/26/2014	08/15/2014
Black On White	PA0001909489	08/07/2014	08/26/2014	08/09/2014
Any And All For You	PA0001908677	08/02/2014	08/11/2014	08/03/2014
I Will See You In The Morning	PA0001874746	01/14/2014	01/15/2014	07/31/2014
In for the Night	PA0001874670	01/06/2014	01/06/2014	07/31/2014
Tie Her Up For Me	PA0001906551	07/03/2014	07/14/2014	07/31/2014
Precious Metal	PA0001908248	07/27/2014	07/31/2014	07/28/2014
Be With Me	PA0001907574	07/21/2014	07/25/2014	07/25/2014
Rock Me Baby	PA0001907592	07/19/2014	07/25/2014	07/20/2014
Yours Forever	PA0001907573	07/15/2014	07/25/2014	07/16/2014

EXHIBIT B

SNY57

Title	Registration Number	Date of First Publication	Registration Date	Most Recent Hit UTC
Summertime Lunch	PA0001907078	07/11/2014	07/25/2014	07/11/2014
Chloe Loves Carl Part 2	PA0001906561	07/05/2014	07/14/2014	07/09/2014
Give Me More Part 2	PA0001905479	06/29/2014	07/02/2014	07/01/2014
Happy Couple	PA0001794461	06/25/2012	06/25/2012	06/30/2014
Come Close	PA0001905140	06/23/2014	06/30/2014	06/26/2014
Coming Late	PA0001904286	06/19/2014	06/24/2014	06/20/2014
Sex With Glasses	PA0001903914	06/05/2014	06/12/2014	06/16/2014
Go Down On Me	PA0001904131	06/11/2014	06/19/2014	06/16/2014
Slippery Sensations	PA0001895668	05/15/2014	05/16/2014	05/15/2014
A Thought of You Part 2	PA0001895665	05/13/2014	05/16/2014	05/14/2014
Rope Priority	PA0001895760	05/11/2014	05/16/2014	05/12/2014
Perfect Timing	PA0001895848	05/07/2014	05/16/2014	05/08/2014

Total Malibu Media, LLC Copyrights Infringed: 33

EXHIBIT B

SNY57